3.8 RESOURCE USE PATTERNS

Significance Criteria

Transportation and Circulation

Significance regarding project impacts to the surrounding transportation network is determined through consultation with the Wisconsin Department of Transportation (WisDOT), City of Kenosha (City), and County of Kenosha (County). The County of Kenosha, Division of Highways has been consulted in the analysis of existing conditions, the determination of impacts identified in **Section 4.8**, and the development of mitigation measures identified in **Section 5**. Both WisDOT and the County of Kenosha have jurisdiction under 40 CFR 1508.15 and special expertise through programmatic experience under 40 CFR 1508.26 regarding the transportation network around the DGP site, and WisDOT has special expertise regarding the roadway network around the Keshena site. The minimum standard Level of Service (LOS), as established by WisDOT is LOS D for all arterial and collector roadways and intersections. If LOS should worsen to E or F, WisDOT, and Kenosha County Highway Department would consider these levels unacceptable, and thus result in impacts considered significant under NEPA.

Land Use

Significance regarding impacts to land use consistency is determined in relation to conformity with the overall intent of certain zoning ordinances and planned uses, including but not limited to business development, conservation of natural resources and airport safety and runway protection. Impacts and significance are identified in part through consultation with the City of Kenosha and the Wisconsin Bureau of Aeronautics, which have special expertise under 40 CFR 1508.26. As a cooperating agency in the preparation of this EIS, the City of Kenosha takes into account the guidance documents described below in determining impacts resulting from the implementation of Alternatives A, B and D. The Menominee Indian Tribe of Wisconsin Tribal Zoning Ordinance was used for determining significance criteria for land use consistency impacts under Alternative C.

Agriculture

Criteria for determining significance to project impacts on agriculture is derived in part from the Farmland Protection Policy Act (FPPA), which minimizes the extent to which Federal programs contribute to the unnecessary and irreversible conversion of farmland into non-agricultural uses. FPPA strives to ensure that Federal programs are administered in a manner that is compatible with State, local government, and private programs to protect farmlands.

The Natural Resource Conservation Service (NRCS) is the agency primarily responsible for implementation of the FPPA, and thus has special expertise under 40 CFR 1508.26. Under FPPA, NRCS provides technical assistance to Federal agencies, state and local governments,

tribes, or nonprofit organizations that desire to develop farmland protection programs and policies.

3.8.1 TRANSPORTATION – KENOSHA PROJECT SITE

EXISTING CIRCULATION NETWORK

The main transportation route through the county in the project vicinity is the north-south path of Interstate 94 (I-94), shared in the project vicinity with US Highway 41. North of the project site, State Highway 142 crosses I-94 and south of the project site, State Highway 50 crosses I-94. **Figure 3.8-1** shows the existing roadway network in the project area and the traffic-control measures at the study intersections. The project site is bounded by 52nd Street to the north, 60th Street to the south, 104th Avenue to the east, and 120th Avenue (East Frontage Road) to the west. A traffic study prepared by Land Strategies, Inc. for the project is included in **Appendix K.** The following is a description of the area roadways:

Area Roadways

52nd Street (State Highway 158) is an east-west four-lane arterial highway with a posted speed limit of 55 miles per hour (mph) adjacent to the north boundary of the project site. At its all-way stop-controlled intersection with the Western Frontage Road, both the eastbound and westbound directions provide one lane of travel. At its signalized intersection with the DGP access drive, the eastbound direction provides one through lane, a combination through/right-turn lane, and a right-turn lane and the westbound direction provides a left-turn lane, two through lanes, and a right-turn lane. At its signalized intersection with 88th Avenue, both the eastbound and westbound directions provide a left-turn lane and a combination through/right-turn lane. This highway is under the jurisdiction of WisDOT.

60th Street is an east-west four-lane arterial highway adjacent to the south boundary of the site with a posted speed limit of 45 mph. At its all-way stop-controlled intersection with the Eastern Frontage Road, both the eastbound and westbound directions provide a combination left-turn/through/right-turn lane. At its all-way stop-controlled intersection with 104th Avenue, the eastbound direction provides a combination left-turn/through/right-turn lane. This highway is under the jurisdiction of the Kenosha County Highway Department.

The **Western Frontage Road** is a north-south two-lane roadway that runs parallel to Interstate 94. At its all-way stop-controlled intersection with 52nd Street, the northbound direction provides a combination left-turn/right-turn lane. This roadway is under the jurisdiction of WisDOT.

East Frontage Road (**120th Avenue)** is a north-south two-lane roadway parallels Interstate 94. At its intersection with 52nd Street, the northbound direction provides a combination

Figure 3.8-1 Roadway Network - Project Site

left-turn/through lane that is under stop-control and two free-flow right-turn lanes. This roadway is under the jurisdiction of WisDOT.

The **Dairyland Greyhound Access Drive** on 52nd Street is the primary access drive for the DGP. At its signalized intersection with 52nd Street, the northbound direction provides a left-turn lane and a right-turn lane.

104th Avenue is a north-south roadway with a posted speed limit of 35 miles per hour and serves as the project site's eastern boundary. At its stop-controlled intersection with 52nd Street, both the northbound and southbound directions are not striped and are assumed to provide a combination left-turn/through/right-turn lane. To the south of the Dairyland employee access, 104th Avenue is widened to provide two southbound through lanes. At its all-way stop-controlled intersection with 60th Street, the northbound direction provides a left-turn lane, a through lane and a short channelized right-turn lane and the southbound direction provides a combination left-turn/through lane and a channelized right-turn lane. This roadway is under the jurisdiction of the Kenosha County Highway Department.

88th Avenue is a two-lane north-south roadway with a posted speed limit of 35 miles per hour. As its signalized intersection with 52nd Street, both the northbound and southbound directions provide a combination left-turn/through/right-turn lane. This roadway is under the jurisdiction of the Kenosha County Highway Department.

Pedestrian and Bicycle Facilities

There are no pedestrian or bicycle facilities in the project area.

Analysis Methodologies

In order to quantify operations of the study intersections, Highway Capacity Software (HCS) was used. This software program defines the capacity and delay of an intersection during the peak hours. Based on engineering standards and the available capacity, a level of service (LOS) grade is determined. This grade is a qualitative measure that includes factors such as speed, travel time, delay, freedom to maneuver, and driving comfort and convenience. Level of Service is represented as letters ranging from LOS A to LOS F, whereby LOS A represents the best traffic flow driving conditions and LOS F represents the worst traffic flow driving conditions. **Table 3.8-1** relates the operational characteristics associated with each level of service category for both signalized and unsignalized intersections.

Data Collection

Weekday morning (7:00 AM to 9:00 AM) and afternoon (4:00 PM to 6:00 PM) peak hour manual traffic counts were obtained from the WisDOT at the following intersections:

- 52nd Street/Western Frontage Road
- 52nd Street/I-94 ramps
- 52nd Street/Eastern Frontage Road
- 52nd Street/DGP access drive
- 52nd Street/104th Avenue
- 52nd Street/88th Avenue

TABLE 3.8-1
INTERSECTION LEVEL OF SERVICE DEFINITIONS

Level of Service	Description	Signalized (Avg. control delay per vehicle sec/veh.)	Unsignalized (Avg. control delay per vehicle sec/veh.)
A	Free flow with no delays. Users are virtually unaffected by others in the traffic stream	0 - 10	≤ 10
B	Stable traffic. Traffic flows smoothly with few delays.	10 - 20	> 10 – 15
C	Stable flow but the operation of individual users becomes affected by other vehicles. Modest delays.	20 - 35	> 15 – 25
D	Approaching unstable flow. Operation of individual users becomes significantly affected by other vehicles. Delays may be more than one cycle during peak hours.	35 - 55	> 25 – 35
E	Unstable flow with operating conditions at or near the capacity level. Long delays and vehicle queuing.	55 - 80	> 35 – 50
F	Forced or breakdown flow that causes reduced capacity. Stop and go traffic conditions. Excessive long delays and vehicle queuing.	Greater than 80	> 50

SOURCE: Transportation Research Board, *Highway Capacity Manual, 2000*; National Research Council, 2000; Land Strategies Inc. 2004; AES 2005

Additional traffic counts were conducted at the intersections of 60th Street/Eastern Frontage Road, 60th Street/104th Avenue, and 60th Street/88th Avenue in May 2004 and February 2005 to supplement the traffic counts provided by WisDOT.

Existing Conditions

Existing conditions serve as a baseline from which projections for the 2007 and 2017 years are derived.

PEAK HOUR INTERSECTION PERFORMANCE

The following intersections, shown in **Figure 3.8-2**, are evaluated in this EIS:

- 52nd Street/88th Avenue
- 52nd Street/Dairyland Access
- 52nd Street/Western Frontage Road

- 52nd Street/Eastern Frontage Road
- 52nd Street/104th Avenue
- 60th Street/Eastern Frontage Road
- 60th Street/104th Avenue

Table 3.8-2 summarizes the results of this Weekday AM and Weekday PM peak hour intersection analysis for the existing level of service conditions. None of the study intersections currently operate at an unacceptable LOS. **Figure 3.8-3** shows the existing peak hour turning movement volumes at each of the study intersections.

Near-Term (2007) Condition

Projections for the Near-Term (2007) Condition were prepared by WisDOT staff and based on growth rates from existing traffic volumes. These projections form the background traffic volumes for 2007 without the addition of project traffic. **Figure 3.8-4** shows the 2007 background traffic volumes at each of the study intersections for each intersection turning movement.

TABLE 3.8-2
EXISTING PEAK HOUR INTERSECTION PERFORMANCE –
KENOSHA PROJECT SITE

Intersection	Intersection Control	Weekday AM Peak Hour	Weekday PM Peak Hour
52nd Street/88th Avenue	Signalized	EBL – B	EBL – B
		EBTR – C	EBTR – D
		WBL – B	WBL – B
		WBTR – C	WBTR – C
		NBA – C	NBA – C
		SBA – D	SBA – C
		Overall – B	**Overall** – C
52nd Street/Dairyland Access	Signalized	EBTR – B	EBTR – B
		EBR – A	EBR – B
		WBL – A	WBL – A
		WBT – A	WBT – A
		NBL – C	NBL – C
		NBR – B	NBR – B
		Overall – A	**Overall** – B
52nd Street/Western Frontage Road	All-way stop-controlled	EBT – A	EBT – A
		EBR – A	EBR – A
		WBTL – A	WBTL – A
		NBLR – A	NBLR – A
		Overall – A	**Overall** – A
52nd Street/120th Avenue	All-way stop-	EBLT – A	EBLT – A

Intersection	Intersection Control	Weekday AM Peak Hour	Weekday PM Peak Hour
	controlled	WBTR – A	WBTR – A
		NBL – A	NBL – A
		SBLR – A	SBLR – A
		Overall – A	**Overall** – A
52nd Street/104th Avenue	North-South movements under stop-control	NBLRT – C	NBLTR – B
		SBLTR – C	SBLTR – C
60th Street/Eastern Frontage Road	All-way stop-controlled	EBLTR – A	EBLTR – A
		WBLTR – A	WBLTR – A
		NBLTR – A	NBLTR – A
		SBLTR – A	SBLTR – A
		Overall – A	**Overall** – A
60th Street/104th Avenue	All-way stop-controlled	EBLT – A	EBLT – B
		EBR – A	EBR –A
		WBLTR – B	WBLTR – B
		NBL – A	NBL – A
		NBTR – B	NBTR – B
		SBLT – A	SBLT – B
		SBR – A	SBRA – A
		Overall – A	**Overall** - B

NOTE: Bold text denotes unacceptable LOS.
EBL – eastbound left lane
EBTR- eastbound through/right lane
EBT – eastbound through lane
EBR – eastbound right lane
EBA – eastbound approach lane
WBL – westbound left lane
WBA – westbound approach lane
WBT – westbound through lane
WBTR – westbound through/right lane
SBLT – southbound left/through lane
SBR – southbound right lane
SBA – southbound approach lane
SBL – southbound left lane
SBTR – southbound through/right lane
SBLR – southbound left turn/right turn combination lane
NBL – northbound left lane
NBR – northbound right lane
NBTR – northbound through/right lane
NBA – northbound approach lane
NBLT – northbound left turn/right turn combination lane
SOURCE: Land Strategies, Inc, 2004; AES, 2004.

Figure 3.8-2 Study Intersections

Figure 3.8-3 Existing Traffic- Project Site

Figure 3.8-4 2007 Background Traffic

3.8.2 TRANSPORTATION - KESHENA SITE

EXISTING CIRCULATION NETWORK

The main transportation route through the county in the Keshena project site vicinity is State Highway 47 (STH 47) heading north towards the project site, as a shared route with STH 55. Once on Menominee Reservation land, State Highway 47/55 continues northward, after which, on its approach to the town of Keshena, it veers northwesterly, as STH 55 splits to a northerly direction. **Figure 3.8-5** shows the existing roadway network in the project area. The Keshena project site is bounded by A. Duquaine Road/Keshena Alternate Route to the north, Strauss Court/Ragusse Road to the south, State Highway 47/55 to the east, and the Wolf River to the west. The following is a description of the area roadways:

Area Roadways

Wisconsin State Highway 47 (STH 47) is a two-lane rural north-south highway in the vicinity of the project site. This route joins Wisconsin State Highway 55 (STH 55) at the southern end of Menominee County, running as one facility west-northwest through Keshena and splits with STH 55, approximately one mile north of Keshena where the route heads east-northeast through the Stockbridge Indian Reservation into Shawano County.

Wisconsin State Highway 55 (STH 55) is a two-lane rural north-south highway in the vicinity of the project site. This route joins STH 47 at the southern end of Menominee County, running as one facility west-northwest through Keshena and splits with STH 47, approximately one mile north of Keshena where the route heads north into Langlade County.

A. Duquaine Road is an east-west unimproved rural roadway that can accommodate two lanes of traffic. This road intersects with STH 47 to the west, opposite Keshena Alternate Route, and the road forms the northern boundary of the project site.

Keshena Alternate Route is an east-west two-lane rural roadway in the vicinity of the project site. This road intersects with STH 47 to the east, opposite A. Duquaine Road.

Pedestrian and Bicycle Facilities

There are no pedestrian or bicycle facilities in the project area.

HIGHWAY DATA

The most recent annual average daily traffic volumes were obtained from WisDOT. State Highway 47, County Highway W, and State Highway 55 are the highways in closest proximity to the Keshena project site. **Table 3.8-3** shows the annual average daily traffic volumes on the State Highways in the vicinity of the project site for 2002. These volumes show what the average daily traffic volume is for the various highways in the vicinity of the project site.

Figure 3.8-5 Roadway Network - Keshena Site

TABLE 3.8-3
HIGHWAY TRAFFIC VOLUMES- KESHENA SITE

Highway/Location	Annual Average Daily Traffic Volumes
STH 47- South of Keshena Site	6900
CTH W- East of STH 47	3200
CTH W- West of STH 47	570
STH 47- North of Keshena Site and STH 47/55 spilt	2700
STH 55- North of Keshena Site and STH 47/55 split	810

SOURCE: WisDOT, 2005; AES, 2005

The capacity of a two-lane highway is 1,700 passenger cars per hour (pc/h) for each direction, with a combined total of no more than 3,200 pc/h given good roadway conditions (straight roadway, passing opportunities, standard shoulder widths, etc.). The existing daily traffic volumes for the highest segment in the project area (6,900) converted to pc/h (6,900/10%), equals approximately 690 pc/h (Highway Capacity Manual, 2000). Level of service data was not available for this project site.

3.8.3 LAND USE

REGIONAL SETTING-KENOSHA PROJECT SITE

The County of Kenosha, often referred to as the gateway to Wisconsin, encompasses an area of 273 square miles, and is one of the fastest growing counties within the state. The major urban concentration for the County occurs within the City of Kenosha, with an estimated 2000 population of 90,668 (U.S. Census Bureau, 2004). The City of Kenosha, the only city within the county, makes up the eastern one-third of Kenosha County. The City itself is located adjacent to the western shore of Lake Michigan. Other municipalities in the county are the towns of Somers, Pleasant Prairie, Paris, Bristol, Brighton, Wheatland and Randall, and the villages of Paddock Lake, Silver Lake and Twin Lakes.

PROJECT AREA SETTING

Project area land uses are largely rural and semi-rural in nature. To the north and northeast of the DGP property is the Kenosha Regional Airport, approximately one-half mile away. As defined in Part 139 of the Federal Aviation Regulations, this is a "Corporate Transport Airport," and operates 24 hours per day. This classification allows the airport to accommodate medium sized jet aircraft.

A small mobile home park is located southwest of the DGP property and at the northeast corner of I-94 and 60th Street. Residential development interspersed with agricultural land is located

south of the site, across 60th Street. A mile south of the site is the River Crossings residential subdivision. Commercial land, identified as Uke's Harley-Davidson, is located west of the site. Much of the surrounding farmland is classified as prime agricultural land. To the east of the DGP property, across 104th Avenue, is a 312± acre parcel, which is currently under development.

KENOSHA PROJECT SITE

The DGP facility, assessors parcel number 08-222-31-401-001, is located in the southeastern quadrant of Section 31, Township 2 North Range 22 East, in the City of Kenosha in Kenosha County, Wisconsin. The property is bordered by 52nd Street (State Highway 158) to the north; private businesses, agricultural lands, and 120th Avenue to the west; 62nd Street, agricultural lands, and private residences to the south; and 104th Avenue to the east. The DGP property is partitioned into east and west sections by an access road spanning Highway 158 and 62nd Street. Visitors to the DGP enter the site via this access road from Highway 158 and from 62nd Street, and access parking facilities on the property.

On its eastern section, the facility currently consists of a racetrack, clubhouse, kennels and parking facilities. To the north and northwest of the existing racetrack is an artificial pond. Residual wetland vegetation surrounds and extends to the northeast of the pond. To the east of the pond is an artificial elevated plateau, presumably formed from dredged soil which originated from the construction of the pond. The DGP parking area is located to the west, south and east of the existing clubhouse.

The west section of the property is currently undeveloped, with natural elevation toward the northwestern and south central boundaries. On the north and east is elevated ruderal landscape and wetlands. Soil stockpiles occur in the east-central and northeast parts of this property.

On the far west of the site is Kilbourn Road Ditch, a narrow perennial stream. This stream flows to the south, and drains into the Des Plaines River, approximately two miles to the south of the site. The stream and adjacent narrow forested area is listed as a primary environmental corridor. Approximately 1 mile to the north of the property, the corridor diverges, and the portion continuing along the ditch is designated as a secondary environmental corridor. The primary environmental corridor area extends approximately a half-mile north of this divide.

GUIDANCE DOCUMENTS

The project area lies within an 8,364.8± acre area defined by the City of Kenosha as the "Kenosha Corridor." The Kenosha Corridor is generally bounded by STH 50, STH 142, and I-94 (City of Kenosha, 1991). The area spans three jurisdictions: the City of Kenosha, the Town of Somers, and the Village of Pleasant Prairie. The City of Kenosha adopted a land use plan for the Corridor in August 1991 (City of Kenosha, 1991). The purpose of this plan is to develop the

Kenosha Corridor in an organized manner, emphasizing quality and efficiency regarding delivery of service.

Land use planning for the project site is guided by the Kenosha Corridor Land Use Plan, the Zoning Ordinance for the City of Kenosha, the Wisconsin Coastal Management Program, and Federal Aviation Administration (FAA) regulations. The FAA flight path restrictions are reflected alongside noise considerations in the Zoning Ordinance for the City of Kenosha.

Kenosha Corridor Land Use Plan

The project site lies within the Kenosha Corridor Land Use Plan area. The Corridor Land Use Plan was developed to enhance economic growth activities, while ensuring the safe and orderly development of the area. The Kenosha Corridor Land Use Plan designates the majority of the DGP property as Commercial Development (**Figure 3.8-6**). The Corridor Land Use Plan defines this classification as auto oriented, neighborhood and regional business, service, retail and convenience uses (City of Kenosha, 1991). Development within this classification is therefore required to be for nonresidential uses.

Zoning Ordinance, City of Kenosha, Wisconsin

The project parcel has several different zoning districts attached to the project site. The majority of the site is Zoned (IP) Institutional Park. Zoning overlays for other portions of the site include (FW) Floodway District, (FFO) Floodplain Fringe Overlay District , and (SWO) Shoreline Wetland Overlay District. The following provides a description of each respective zone:

- **(IP) Institutional Park:** The primary purposes and characteristics of the IP Institutional Park District are intended to provide for areas, which are primarily devoted to public, institutional and recreational uses. Office uses, which are related to the character and operation of the permitted civic, governmental and institutional uses, are permitted as appropriate mixed uses.

- **(FW) Floodway District:** The primary purposes and characteristics of the FW Floodway District are intended to protect people and property from flood damage by prohibiting the erection of structures that would impede the flow of water during periodic flooding.

- **(FFO) Floodplain Fringe Overlay District:** The primary purpose and characteristics of the FFO Floodplain Fringe Overlay District are intended to provide for and encourage the most appropriate use of land and water in areas subject to periodic flooding and to minimize flood damage to people and property.

FIGURE 3.8-6

- **(SWO)** Shoreland Wetland Overlay District: The Primary purpose and characteristics of the SWO Shoreland Wetland Overlay District are intended to: 1) Promote the public health, safety, convenience and general welfare; 2) Maintain the storm and floodwater storage capacity of the wetlands; 3) Prevent and control water pollution by preserving wetlands which filter or store sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters; 4) Protect fish, their spawning grounds, other aquatic life and wildlife by preserving wetlands and other aquatic habitat; 5) Prohibit certain uses detrimental to the shoreland-wetland area; and 6) Preserve shore cover and natural beauty by restricting the removal of natural shoreland cover and controlling shoreland-wetland excavation, filling and other earth moving activities; since uncontrolled use of the shoreland-wetlands and the pollution of the navigable waters of the City would adversely affect the public health, safety, convenience, and general welfare and impair the tax base.

Mid-term land use planning by the City of Kenosha for the area around and including the project site is consistent with the guidance documents described above, and includes plans to provide public access for recreation along the eastern bank of the Kilbourn Road Ditch. Specifically, this public access would be installed in the form of a surfaced pedestrian and bicycle way, running north-south within the limits of the City and County of Kenosha.

Airport Overlay Districts and Runway Protection

The proximity and location of the DGP property relative to the Kenosha Regional Airport and related flight paths subject the property to Federal Aviation Administration (FAA) restrictions. These restrictions are reflected in Section 13.0 of the Zoning Ordinance, City of Kenosha, Wisconsin, titled "Airport Overlay District." The northwest corner of the project site currently includes an area designated "Air-1 District," which is a runway protection zone and limits development to agriculture crops or air navigation facilities. The central portion of the project site currently includes an area designated "Air-3 District," which is classified as an approach zone. Development is limited to all uses permitted under the existing zoning district and all proposed development should provide a minimum of five decibels extra noise reduction. The entire project site is also located within the "Air-4 District," which includes all property in the airport overflight zone within 3 miles of the airport boundaries. Non-residential land uses are limited by airport site review conditions. See **Figure 3.8-7** for more detail. Additionally, development on the project site is limited to a maximum elevation of 778 feet (**Figure 3.8-8**). Currently the highest portion of the project site is approximately 720 feet.

The existing ponds along the northern portion of the property are currently not configured according to FAA Advisory Circular 150/5200-33, which recommends a distance of 10,000 feet between an airport's aircraft movement area and any wildlife attractant, such as wetlands and/or

Figure 3.8-7

Figure 3.8-8

ponds. The ponded area on the northwest corner of the project site is approximately 2,000 feet southwest of the main runway for the Kenosha Regional Airport, and within the Air-1 Runway Protection Zone. In addition, the eastern portion of the main pond, on the north end of the project area, falls within an Air-3 Approach Zone, and within 2,000 feet of the main runway. This could potentially lead to hazards involving the movement of waterfowl through aircraft flight paths.

Wisconsin Coastal Management Program

Established in 1978 under the Federal Coastal Zone Management Act (16 USC 1451-1464), the Wisconsin Coastal Management Program (WCMP) was designed to preserve the state's natural and historic coastal resources through governmental coordination and public involvement. The coastal management program area encompasses the state's water areas of Lake Michigan, Lake Superior, and Green Bay, as well as the land area of the fifteen adjacent counties. Bordering on Lake Michigan, Kenosha County is falls within the boundaries of the WCMP.

The WCMP has identified the following six Special Coastal Areas (SCAs) on which to focus primary attention:

- Areas of Significant natural, recreational, scientific, or historic value
- Areas especially suited for water-related economic development
- Hazard areas, which are those areas prone to severe erosion and/or flooding that may impose danger to public use or immediate or future substantial costs
- Specific coastal areas identified as future power plant sites in Advance Plans approved by the Public Services Commission pursuant to the Wisconsin Power Plant Sitting Act.
- Those natural, scientific, historic, and cultural areas whose unique value warrants preservation, are termed Areas for Preservation.
- Those areas that should be restored to an earlier or improved condition

Under authority granted to it by 15 CFR 930, the WCMP certifies the consistency of Federal projects with the program's policies.

KESHENA SITE LAND USE

Keshena is approximately 35 miles northwest of the City of Green Bay, and the Menominee Reservation is surrounded by Oconto, Shawano and Langlade Counties. The location of this alternative would be on the 17+ acre site of the existing gaming facilities and hotel on Highway 47/55, near the southern boundary of the reservation (See **Section 2.0**, **Figure 2-4**). The project site for Alternative C is bounded by Hwy 47/55 to the east, A. Duquaine Road to the north, and residential and small business properties to the west and south.

The current Menominee Casino-Bingo-Hotel facilities are comprised of a casino/bingo hall, hotel and restaurant. The hotel has 100 rooms, and is connected to the casino on the east end of its

east-west running wing. From the west end, another wing runs to the south. On the southern end is the check-in/reception desk and indoor swimming pool. A single restaurant serves the patrons of the existing facility, and is inside the casino area. Parking is provided to the south of the casino and to the west of the hotel. South of the automobile parking is an RV park, to the west of which is a building for maintenance and physical operations.

Menominee County land use regulations do not apply to the project area on the existing reservation. Land use planning on the Menominee Reservation is governed by the Menominee Tribal Zoning Ordinance No. 87-31, ratified by the Menominee Tribal Legislature on October 17, 2002. The Menominee Zoning Ordinance divides the Menominee Indian Reservation into 12 separate districts. The Keshena Site is zoned "C-2," for general business (**Figure 3.8-9**).

3.8.4 AGRICULTURE

NRCS categorizes farmland in a number of ways, including: prime farmland, farmland of statewide importance, and unique farmland. Prime farmland is considered to have the best possible features to sustain long-term productivity. Farmland of statewide importance includes farmland similar to prime farmland but with minor shortcomings, such as greater slopes or less ability to store soil moisture. Unique farmland is characterized by inferior soils. This land generally needs irrigation depending on climate. These designated farmlands must also have been in production four years prior to the mapping date.

According to 7CFR 658.4 (Guidelines for use of criteria), an agency may determine whether or not a site is farmland as defined in Sec. 658.2(a). Federal agencies can also obtain assistance from the USDA in determining whether a proposed location or site meets the definition of farmland (7CFR 658.3). Form AD-1006, the Farmland Conversion Impact Rating Form, is used to determine whether the site is farmland subject to the Act. If neither the entire site nor any part of it is subject to the Act, then the Act will not apply.

Form AD-1006 uses the criteria developed by the Secretary of Agriculture, in cooperation with other Federal agencies, pursuant to the Farmland Protection Policy Act. Federal agencies are required to use the criteria to identify and take into account the adverse effects of their programs on the preservation of farmland. **Table 3.8-4** below shows the scores of the DGP property as compared to the possible scores based upon these criteria. Sites receiving a total score of less than 160 need not be given further consideration (Wacker, 2004).

Figure 3.8-9

TABLE 3.8-4
FARMLAND CONVERSION RATING CRITERIA

Characteristics	Criteria	Points	DGP Rating
Percentage of land in nonurban use within a radius of 1.0 mile	> 90%	15	3
	90 to 20%	14 to 1	
	< 20%	0	
Percentage of site perimeter bordering on land in nonurban use	> 90%	10	0
	90 to 20%	9 to 1	
	< 20%	0	
Percentage of site has been farmed more than 5 of the last 10 years	> 90	20	0
	90 to 20%	19 to 1	
	< 20%	0	
Site subject to State or local government policies/programs to protect farmland/covered by private programs to protect farmland?	Protected	20	0
	Not protected	0	
Proximity to urban built-up area	2 miles or more	15	0
	> 1 mile, < 2 miles	10	
	< mile, but not adjacent	5	
	Adjacent	0	
Proximity of site to water lines, sewer lines and/or other local facilities and services with capacities and design that would promote nonagricultural use	None closer than 3 miles	15	0
	Some > 1 mile, but < 3 miles	10	
	All exist within ½ mile	0	
Is farm unit containing the site (before the project) as large as the average-size farming unit in the county?	As large or larger	10	0
	51% to 99%	1 to 9	
	50% or less	0	
Percentage of remaining land (on farm) to become non-farmable because of interference with land patterns	> 25%	10	0
	25% to 5%	9 to 1	
	< 5%	0	
Availability of adequate supply of farm support services and markets, i.e., farm suppliers, equipment dealers, processing and storage facilities and farmer's markets	All required services available	5	2
	Some required services available	4 to 1	
	No required services available	0	
Substantial and well-maintained on-farm investments, i.e. barns, other storage buildings, fruit trees and vines, field	High amount	20	0

Characteristics	Criteria	Points	DGP Rating
terraces, drainage, irrigation, waterways, or other soil and water conservation measures	Moderate amount	19 to 1	
	None	0	
Does conversion of farmland to nonagricultural use reduce demand for farm support services used by remaining farms in the area so as to jeopardize the continued existence of these support services?	Substantial reduction in demand for farm support services	10	0
	Some reduction in demand	9 to 1	
	No significant reduction in demand	0	
Is the kind and intensity of the proposed use of the site sufficiently incompatible with agriculture that it is likely to contribute to the eventual conversion of surrounding farmland to nonagricultural use?	Incompatible with surrounding agriculture	10	5
	Tolerable to surrounding agriculture	9 to 1	
	Fully compatible with surrounding agriculture	0	
	Total Points	160	10

SOURCE: Wacker, Carl, FPPA Manager for Wisconsin Program, Personal Communication June 1, 2004; USDA Form AD-1066 (10-83)

KENOSHA PROJECT SITE

The project site is not used for agricultural uses except for minor encroachments from neighboring properties, and is not considered prime agricultural land. Land to the west of the project site is used for agricultural purposes and land uses to the south consist of residential properties interspersed with agricultural land. Much of the surrounding farmed areas are considered to be prime agricultural land (Peschner, NRCS, pers. comm.).

KESHENA SITE

The Keshena site is currently developed with the existing tribal gaming facilities including a hotel. As a result, the suitability of the Keshena project site for agricultural purposes is low. Approximately 0.19 acres at the southern boundary of the project site is mixed-deciduous coniferous forest which could potentially be used for timber harvesting activities.

3.8.5 OTHER RESOURCE USES

Except for the existing recreational uses that currently exist on both proposed project sites, neither the Kenosha site nor the Keshena site are used for hunting, fishing, gathering, timber harvesting, mining, or recreational activities.